

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

JOSEPH L. BURNS, §  
§  
*Plaintiff,* §  
v. §  
§  
KIRSTJEN NIELSEN, *Secretary, U.S.* §  
*Department of Homeland Security,* §  
§  
*Defendant.* §

EP-17-CV-00264-DCG

**ORDER CORRECTING TYPOGRAPHICAL ERRORS**  
**IN THE DECEMBER 8, 2020 MEMORANDUM OPINION AND ORDER**

On December 8, 2020, the Court issued a Memorandum Opinion and Order (ECF No. 162) in the above-styled case. Following the entry of the Memorandum Opinion and Order, the Court has observed certain typographical errors therein. The Court issues this Order to correct those errors.

**IT IS ORDERED** that the following sentences in the Memorandum Opinion and Order (ECF No. 162) are **CORRECTED** as follows:

- On page 19 (second paragraph), the sentence, “The panel went to further hold that the causation standards under § 501 of the RA and ADA are equivalent, *id.* at 516; and the ADA standard announced in *Soledad* governs § 501 claims, *id.* at 519 (quoting *Soledad*, 304 F.3d at 503–04).” (underline added) **IS CORRECTED AS** “The panel went on to further hold that the causation standards under § 501 of the RA and ADA are equivalent, *id.* at 516; and the ADA standard announced in *Soledad* governs § 501 claims, *id.* at 519 (quoting *Soledad*, 304 F.3d at 503–04).”;
- On page no. 32 (second paragraph), the citation sentence, “*Id.* at 7, 15, 19.” (underline added) **IS CORRECTED AS** “Def.’s Suppl. Mot. at 7, 15, 19.”;
- On Page no. 50 (second paragraph), the sentence, “He then testified that experiences migraines at the same rate “now,” that is, at the time of trial.” (underline added) **IS CORRECTED AS** “He then testified that he experiences migraines at the same rate “now,” that is, at the time of trial.”;

- On page no. 50 (last paragraph), the sentence, “That he continued to suffer increased migraines was to date, in essence, his counsel’s testimony, not his.” (underline added) **IS CORRECTED AS** “That he continued to suffer increased migraines to date was, in essence, his counsel’s testimony, not his.”; **and**
- On page no. 58 (second paragraph), the sentence, “For now, the Court will conditionally deny the Secretary’s motion for new trial on damages and order Burns to notify the Court within 14 days of this memorandum opinion and order—whether it accepts the remittitur or instead, wishes to proceed to a new trial on compensatory damages (*i.e.*, noneconomic damages).” (underline added) **IS CORRECTED AS** “For now, the Court will conditionally deny the Secretary’s motion for new trial on damages and order Burns to notify the Court within 14 days of this memorandum opinion and order—whether it accepts the remittitur or instead, wishes to proceed to a new trial on compensatory damages (*i.e.*, noneconomic damages).”

So ORDERED and SIGNED this 10th day of December 2020.



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DAVID C. GUADERRAMA  
UNITED STATES DISTRICT JUDGE